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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/813,260 | 03/31/2004 | Paul A. Thomas | 05997.0013-0300 | 5447 |
| 22852 | 7590 | 08/06/2008 | EXAMINER | |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | NORMAN, SAMICAL | |
| ART UNIT | | PAPER NUMBER | | 3696 |
| MAIL DATE | | DELIVERY MODE | | 08/06/2008 PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/813,260 | THOMAS ET AL. | |
| | Examiner | Art Unit | |
| | SAMICA L. NORMAN | 3696 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 April 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) 16-27 and 30-33 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15, 28 and 29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

- 1. Claims 16-27 and 30-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on April 24, 2008.**
- 2. The 35 U.S.C. 112, second paragraph and 35 U.S.C. 101 Rejections are withdrawn due to applicant's current amendment.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-3, 5-8, 10-13, 15, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghani, "Plan for Bank-Capital Rules Spurs Doubts" (reference U on the attached PTO-892) in view of Seiberg, "Risk-Indexed Capital Rules Proposed by Global Panel" (reference V on the attached PTO-892).
3. As per claim 1, Ghani teaches a method for reducing capital required to be held in connection with a subject pool of loans comprising: obtaining a credit risk rating of the loans in the subject pool (see paragraph 3); applying capital reserve requirements to the subject pool based on the credit risk rating and the allocated credit risk (see paragraph 5); and holding an

amount of capital against the subject pool based on application of the capital reserve requirements (see paragraph 11). Ghani does not explicitly teach allocating credit risk for the subject pool among a plurality of parties, based on the credit risk rating. Seiberg teaches allocating credit risk for the subject pool among a plurality of parties, based on the credit risk rating (see page 2, paragraph 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Ghani. One of ordinary skill in the art would have recognized that applying the technique of Seiberg would have yielded predictable results.

4. As per claim 2, Ghani in view of Seiberg teaches the method of claim 1 as described above. Ghani further teaches wherein allocating credit risk for the subject pool further comprises: for a specified party from the plurality of parties, capping the specified party's portion of the credit risk at a maximum level (see paragraph 11).

5. As per claim 3, Ghani in view of Seiberg teaches the method of claim 2 as described above. Ghani further teaches wherein the maximum level is a percentage of the subject pool value (see paragraph 11).

6. As per claim 5, Ghani in view of Seiberg teaches the method of claim 4 as described above. Ghani further teaches wherein the credit risk rating includes a plurality of rating categories, and wherein assigning a portion of the credit risk for the subject pool further comprises: retaining a portion of credit risk on a category by category basis for each of a plurality of rating categories; and capping the portion of retained credit risk to a maximum level for each of the plurality of rating categories (see paragraph 11).

7. As per claim 6, Ghani teaches a system for reducing capital required to be held in connection with a subject pool of loans comprising: means for assisting in obtaining a credit risk rating of the loans in the subject pool (see paragraph 3); means for applying capital reserve requirements to the subject pool based on the credit risk rating and the allocated credit risk (see paragraph 5); means for holding an amount of capital against the subject pool based on application of the capital reserve requirements (see paragraph 11). Ghani does not explicitly teach means for allocating credit risk for the subject pool among a plurality of parties, based on the credit risk rating. Seiberg teaches means for allocating credit risk for the subject pool among a plurality of parties, based on the credit risk rating (see page 2, paragraph 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Ghani. One of ordinary skill in the art would have recognized that applying the technique of Seiberg would have yielded predictable results.

8. As per claim 7, Ghani in view of Seiberg teaches the system of claim 6 as described above. Ghani further teaches wherein the means for allocating credit risk for the subject pool further comprises: means for capping a portion of the credit risk to a maximum level for a specified party from the plurality of parties (see paragraph 11).

9. As per claim 8, Ghani in view of Seiberg teaches the system of claim 7 as described above. Ghani further teaches wherein the maximum level is a percentage of the subject pool value (see paragraph 11).

10. As per claim 10, Ghani in view of Seiberg teaches the system of claim 9 as described above. Ghani further teaches wherein the credit risk rating includes a plurality of rating categories, and wherein the means for assigning a portion of credit risk for the subject pool

further comprises: means for assigning the portion of credit risk on a category by category basis for each of a plurality of rating categories; and means for capping the portion of assigned credit risk to a maximum level for each of the plurality of rating categories (see paragraph 11).

11. As per claim 11, Ghani teaches a computer program product, stored on a tangible computer-readable medium, for reducing capital required to be held in connection with a subject pool of loans including code for causing a processor to perform a process comprising: accessing data regarding a credit risk rating of the loans in the subject pool (see paragraph 3); applying capital reserve requirements to the subject pool based on the credit risk rating and the allocated credit risk (see paragraph 5); presenting an indication of the amount of capital held in connection with the subject pool based on application of the capital reserve requirements (see paragraph 11). Ghani does not explicitly teach allocating credit risk for the subject pool among a plurality of parties, based on the credit risk rating. Seiberg teaches allocating credit risk for the subject pool among a plurality of parties, based on the credit risk rating (see page 2, paragraph 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Ghani. One of ordinary skill in the art would have recognized that applying the technique of Seiberg would have yielded predictable results.

12. As per claim 12, Ghani in view of Seiberg teaches the product of claim 11 as described above. Ghani further teaches wherein accessing data regarding allocating credit risk for the subject pool further comprises: for a specified party from the plurality of parties, accessing data regarding capping the specified party's portion of the credit risk to a maximum level (see paragraph 11).

13. As per claim 13, Ghani in view of Seiberg teaches the product of claim 12 as described above. Ghani further teaches wherein the maximum level is a percentage of the subject pool value (see paragraph 11).

14. As per claim 15, Ghani in view of Seiberg teaches the product of claim 14 as described above. Ghani further teaches wherein the credit risk rating includes a plurality of rating categories, and wherein an assigned portion of the credit risk applies on a category by category basis for each of a plurality of rating categories, and the assigned portion of credit risk is capped to a maximum level for each of the plurality of rating categories (see paragraph 11).

15. As per claim 28, Ghani teaches a method for reducing capital required to be held in connection with a subject pool of assets comprising: obtaining a risk rating of the assets in the subject pool (see paragraph 3); applying capital reserve requirements to the subject pool based on the risk rating and the retained portion of risk (see paragraph 5); determining an amount of capital to hold in reserve in connection with the subject pool based on application of the capital reserve requirements (paragraph 11); and presenting the determined amount of capital (see paragraph 11). Ghani does not explicitly teach retaining, by a party among a plurality of parties, a portion of risk for the subject pool, based on the risk rating. Seiberg teaches retaining, by a party among a plurality of parties, a portion of risk for the subject pool, based on the risk rating (see page 2, paragraph 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Ghani. One of ordinary skill in the art would have recognized that applying the technique of Seiberg would have yielded predictable results.

16. As per claim 29, Ghani teaches a system for reducing capital required to be held in connection with a subject pool of assets comprising: means for obtaining a risk rating of the assets in the subject pool (see paragraph 3); means for applying capital reserve requirements to the subject pool based on the risk rating and the retained portion of risk (see paragraph 5); means for determining an amount of capital to hold in reserve in connection with the subject pool based on application of the capital reserve requirements (paragraph 11); and means for presenting the determined amount of capital (see paragraph 11). Ghani does not explicitly teach retaining, by a party among a plurality of parties, a portion of risk for the subject pool, based on the risk rating. Seiberg teaches retaining, by a party among a plurality of parties, a portion of risk for the subject pool, based on the risk rating (see page 2, paragraph 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Ghani. One of ordinary skill in the art would have recognized that applying the technique of Seiberg would have yielded predictable results.

17. Claims 4, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghani, “Plan for Bank-Capital Rules Spurs Doubts” (reference U on the attached PTO-892).

18. As per claim 4, Ghani in view of Seiberg teaches the method of claim 1 as described above. Ghani does not explicitly teach wherein allocating credit risk for the subject pool comprises: assigning a portion of the credit risk for the subject pool to a first party; and assigning a remaining portion of the credit risk to a second party. However, the assignment of portions of

the credit risk does not relate back to or clarifies what is required by the claims. The wherein clauses of claim 4 merely states the result of a limitation in the claims and is therefore given little patentable weight. *See Texas Instruments Inc. v. International Trade Commission*, 26 USPQ2d 1010 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (Fed. Cir. 2001).

19. As per claim 9, Ghani in view of Seiberg teaches the system of claim 6 as described above. Ghani does not explicitly teach wherein the means for allocating credit risk for the subject pool comprises: means for assigning a portion of the credit risk for the subject pool to a first party; and means for assigning a remaining portion of the credit risk to a second party. However, the assignment of portions of the credit risk does not relate back to or clarifies what is required by the claims. The wherein clauses of claim 6 merely states the result of a limitation in the claims and is therefore given little patentable weight. *See Texas Instruments Inc. v. International Trade Commission*, 26 USPQ2d 1010 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (Fed. Cir. 2001).

20. As per claim 14, Ghani in view of Seiberg teaches the product of claim 11 as described above. Ghani does not explicitly teach wherein accessing data regarding allocating credit risk for the subject pool comprises: accessing data regarding assigning a portion of the credit risk for the subject pool to a first party; and accessing data regarding assigning a remaining portion of the credit risk to a second party. However, the assignment of portions of the credit risk does not relate back to or clarifies what is required by the claims. The wherein clauses of claim 14 merely states the result of a limitation in the claims and is therefore given little patentable weight. *See*

Texas Instruments Inc. v. International Trade Commission, 26 USPQ2d 1010 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (Fed. Cir. 2001).

Response to Arguments

21. Applicant's arguments filed April 24, 2008 have been fully considered but they are not persuasive. Applicant argues that Ghani does not teach "applying capital reserve requirements to the subject pool based on the credit risk rating and the allocated credit risk." Ghani calculates risk weightings. Applying the calculation to high-quality corporate credits and low-quality corporate credits results in a change (reduction or increase) to the risk weight. The risk weight is proportional to the capital that has to be set aside against risk.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMICA L. NORMAN whose telephone number is (571)270-1371. The examiner can normally be reached on Mon-Thur 7:30a-5p, w/ 1st Fri off & 2nd 7:30a-4p.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

sln